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March 30, 2007

**VIA E-MAIL & HAND DELIVERY**

The Honorable Vincent J. Poppiti  
Blank Rome LLP  
1201 Market Street, Suite 800  
Wilmington, DE 19801

**Re: *LG.Philips LCD Co., Ltd. v. ViewSonic Corporation, et al.*;  
U.S. District Court Case No. 04-343 JJF**

Dear Special Master Poppiti:

Plaintiff LG.Philips LCD Co., Ltd.'s ("LPL") respectfully requests that Your Honor approve the schedule for depositions of Defendant ViewSonic Corporation's ("ViewSonic") remaining witnesses. LPL and ViewSonic had agreed to submit a joint deposition schedule today. Because ViewSonic has not confirmed or agreed to dates and locations, however, LPL submits this request.

On February 15, 2007, ViewSonic disclosed the names of nine new witnesses that ViewSonic claimed to have knowledge about the issues in this case.<sup>1</sup> (*See* Exhibit 1, Letter from S. Miller.) In the parties' joint status report of February 26, 2007 and again during the hearing on March 2, 2007, LPL advised Your Honor that, because of the late disclosure and the impending close of discovery deadline, LPL may need additional time to depose the new witnesses. (*See id.*; Exhibit 3, Letter from R. Kirk at 5.) Your Honor determined that the issue was not yet ripe for review but, in doing so, secured a commitment from ViewSonic that "there is going to be an opportunity to accommodate the appropriate deposition of those newly identified witnesses." (Ex. 2 at 86:7-11.)

LPL served deposition notices for eight of the nine newly-identified witnesses on March 9, 2007. (*See* D.I. 563-70.) LPL served the ninth notice on March 20. (*See* D.I. 594.) Together, the deposition notices set all nine of the depositions to occur between March 26-30, 2007. (*See* D.I. 563-70 & 594.) All nine notices clearly stated that each deposition would take place at

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<sup>1</sup> ViewSonic claimed that this new disclosure was the result of receiving notice from LPL of additional ViewSonic products that LPL was accusing of infringing the Patents-in-Suit. (*See, e.g.*, Exhibit 2, Mar. 2, 2007 Hr'g Tr. at 81:21-89:6.)

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McKenna Long & Aldridge LLP's offices in Los Angeles, CA. (*See id.*) LPL noticed these depositions for Los Angeles because, long before the notices were served, the parties had agreed that **all depositions** of the Defendants' witnesses would be held in Los Angeles, CA, in the offices of LPL's counsel. (*See, e.g.*, Exhibit 4, Letter from R. Kirk at 1 (noting agreement that all Defendants' depositions would occur in Los Angeles); Exhibit 5, Letter from R. Kirk at 1 (Feb. 23, 2007) (same).)

As the dates of the depositions neared, the parties discussed whether to postpone any or all of them. Generally, LPL informed ViewSonic that LPL would be amenable to postponing the depositions, but only if, among other conditions, ViewSonic first agreed to: (1) reschedule each deposition sometime between April 23 and May 14; and (2) set a final schedule by March 30, 2007, so that the parties could inform Your Honor today of the final deposition schedule.<sup>2</sup> (*See* Exhibits 6-7, E-mails among C. Christenson, C. Connor, S. Miller and T. Roman (Mar. 22-23, 2007).) Notably, on the morning of March 23, ViewSonic specifically agreed that "[w]e will be able to have this finalized by Friday [March 30] as you suggest." (Ex. 7 at 3.) Furthermore, far from insisting that any of the depositions would have to occur anywhere but in Los Angeles, on March 22 ViewSonic's counsel also confirmed that, "while I have not yet checked for dates with the witnesses located outside the US during this period, I am not aware of any reason why these depositions, should they go forward, would not be completed by May 13...." (Ex. 6 at 2.) Based on ViewSonic's representations on March 22 and 23, LPL agreed on the afternoon of March 23 to postpone all nine of the depositions that were scheduled for the week of March 26. (*See* Ex. 7 at 1; Exhibit 9, Letter from C. Connor (Mar. 29, 2007); Exhibit 11, Email from C. Connor (Mar. 30, 2007).)

It was not until the afternoon of March 28, 2007 that ViewSonic asserted for the first time that LPL should travel to Taiwan to depose four witnesses. (*See* Exhibit 8, Letter from S. Miller at 2.) ViewSonic makes this unilateral demand despite the fact that, on January 11, 2007, ViewSonic joined in a submission to Your Honor which stated that "counsel for **all parties are agreeable** to having the depositions... of ViewSonic's and Tatung's witnesses take place in Los Angeles, CA at the offices of McKenna Long & Aldridge LLP." (Ex. 4 at 1 (emphasis added).) Further, ViewSonic's recent claim that it only agreed to make "2-3 max" of its witnesses available for deposition in Los Angeles also overlooks the fact that it agreed to make **all six** of the witnesses of which LPL was then aware available for deposition in Los Angeles. (*Compare* Ex. 8 at 2 (claiming only 2-3 witnesses would appear in Los Angeles) *with* Ex. 5 at 1 (providing schedule for all ViewSonic witnesses and noting that "[a]ll of the depositions will occur at the Los Angeles office of McKenna Long & Aldridge LLP"); *see also* Exhibit 10, Letter from S. Miller (refusing to propose alternatives or agree to dates proposed in Ex. 9 letter).)

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<sup>2</sup> LPL also requested that ViewSonic clarify whether any of its witnesses would not be called to testify at trial because LPL would then agree not to take depositions of those witnesses. ViewSonic has withdrawn one name, but has not clarified whether any of the other eight witnesses will or will not be called to testify at trial. (*See* Ex. 10.) If ViewSonic does confirm that any additional witnesses will not testify at trial, then LPL should be able to agree not to take depositions of those witnesses. The only exception is that LPL will need to depose Mr. Willey and Mr. Lee.

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ViewSonic's failure to work with LPL to finalize deposition dates by March 30, 2007 is compounded by a repudiation of the parties' agreement on deposition locations. Accordingly, LPL asks that the Special Master approve the deposition schedule presented below, which pertains to all of ViewSonic's remaining witnesses and which is the same schedule that LPL presented to ViewSonic on March 29 and which is based on the ranges of dates that ViewSonic had provided to LPL in its March 28 letter. (*See* Exs. 8-9 & 11.)

**Proposed Schedule for Deposition of ViewSonic Witnesses:**

Mr. Jue - April 24	Mr. Nguyen (technical) - May 3
Ms. Wang - April 25	Mr. Willey (business/technical) - May 4
Ms. Liu - April 25	Mr. Lee (technical) - May 8
Mr. Ranucci - April 26	Mr. Hsiao (technical) - May 9
Ms. Yip (business) - April 27	Mr. T. Huang (technical) - May 10
Mr. Zapka (or successor) - May 2	Mr. Sung (technical) - May 11

LPL respectfully requests that Your Honor order ViewSonic to make each of the witnesses identified above available for depositions at McKenna Long & Aldridge LLP's offices in Los Angeles, CA, beginning at the times set forth in each of the original notices and on the dates listed above.

In the meantime, LPL is continuing to try to resolve this matter with ViewSonic. Thus, if LPL is able to resolve these issues with ViewSonic in whole or in part, an appropriate stipulation will be submitted for approval by Your Honor.

Respectfully submitted,



Richard D. Kirk (rk0922)

cc: Counsel as shown on the attached certificate

**CERTIFICATE OF SERVICE**

The undersigned counsel certifies that, on March 30, 2007, copies of the foregoing document were served as follows:

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